

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PNY TECHNOLOGIES, INC.,

Plaintiff,

v.

SANDISK CORPORATION,

Defendant.

Case No.: C-11-04689 WHO (JSC)

**ORDER RE: DISCOVERY DISPUTE
(Dkt. Nos. 135 & 136)**

In this antitrust case, the parties have each submitted a letter asking the Court to resolve discovery disputes that remain following multiple meet-and-confer sessions. (Dkt. Nos. 135, 136.) Specifically, the parties jointly ask the Court to resolve the following two disputes: 1) whether Defendant SanDisk Corp. (“SanDisk”) shall run the vertically-integrated, customer, and competitor search strings against all 22 custodians identified by Plaintiff PNY Technologies, Inc. (“PNY”), or simply the 10 custodians that the parties have previously agreed to; and 2) whether SanDisk shall run the customer and competitor search strings against all the competitor entities identified by PNY. After carefully considering the parties’ briefing, and having had the benefit of oral argument on August 15, 2013, the Court rules as set forth below.

1 For the reasons stated at the hearing, the Court concludes that SanDisk shall run the to-be-agreed-upon search terms against four additional custodians, per the parties' undisputed, original agreement. The Court denies without prejudice PNY's request to compel the search of all the custodians PNY has identified.

5 In addition, PNY shall run the to-be-agreed-upon search terms against those competitors who entered into the licensing agreements directly at issue in this case, as well as those competitors who SanDisk has sued in patent enforcement actions. The Court denies without prejudice PNY's request to compel the search of all the competitor entities it has identified.

9 Finally, the Court orders that the parties shall attend by phone or in person weekly status conferences on the parties' discovery process. These status conferences shall occur every Thursday at 9:00 a.m. unless the parties, with the Court's concurrence, agree otherwise. In light of this procedure, the Court denies the parties' remaining requests, including setting production deadlines and conditions on document requests and productions.

14 This Order disposes of Dkt. Nos. 135 and 136.

16 IT IS SO ORDERED.

18 Dated: August 15, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE